

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.5863 of 2010

ORDER:

1. The petitioner submitted an application for grant of quarry lease for road metal and building stone in an extent of 4.00 hectares in Sy.No.24 of Bowlavada village, Anakapalli Mandal, Visakhapatnam District on 24.07.2007. Even before granting the lease, the 2nd respondent issued a demand notice on 06.03.2009 stating that a show cause notice was issued to the petitioner for payment of Rs.15,95,385/- towards normal seigniorage fee along with ten times penalty for illegal excavation of 3223 cubic meters of road metal in Sy.No.24 of Bowlavada village, Anakapalli Mandal, Visakhapatnam District. But the said show cause notice was returned stating that the addressee was not staying in the said address. Accordingly, a final demand notice was issued for an amount of Rs.15,95,385/- towards one time normal seigniorage fee along with ten times penalty. Challenging the same, the present writ petition was filed.

2. This Court by order dated 15.03.2010 restrained the respondents from collecting penalty under impugned demand notice subject to the petitioner paying normal seigniorage fee.

3. Learned Counsel for the petitioner submits that the petitioner paid the normal seigniorage fee.

4. In view of non-service of show cause notice on the petitioner disabling him from submitting an explanation, this Court is constrained to set aside the impugned demand notice dated 06.03.2009, but gives liberty to the petitioner to submit an

explanation to the show cause notice dated 01.11.2008, a copy of which was filed by the petitioner along with the present writ petition, within a period of three months from the date of receipt of a copy of this order. On receipt of such explanation, the 2nd respondent shall consider the same and hear the writ petitioner on the show cause notice and reply furnished by him and pass appropriate orders thereon in accordance with law within a period of Sixty days thereafter. The amount paid towards normal seigniorage fee would be subject to further orders to be passed by the 2nd respondent as above.

5. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

26-04-2016

Gsn